IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 15685 of 2007(P)

PETITIONER:

K.M.JOSEPH, S/O.MATHAI,
AGED 60 YEARS, KIZHUKKARAKATTU HOUSE,
ATHIYODI P.O., KOORACHUNDU, KOZHIKODE DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:

1. THE JOINT REGIONAL TRANSPORT OFFICER,
OFFICE OF THE SUB REGIONAL TRANSPORT OFFICE,
KOYILANDY.

2. M/S.BAGHMAR FINLEASE LTD.,
BAGHMAR TOWER 25, RAMANAN ROAD,
SOWCARPET, MADRAS-79.

3. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, TRIVANDRUM.

G.P. SHRI.BASANT BALAJI.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.15685 of 2007

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Dated this the 11th day of July, 2007

J U D G M E N T

Petitioner's application for renewal of his goods carriage permit was rejected on the ground that the petitioner has not produced the N.O.C. from the financier. According to the petitioner, the entire amounts due to the financier have already been paid off and in spite of the same, financier is not giving N.O.C. The learned Government Pleader submits that since the registration book contains an endorsement regarding hire purchase, permit cannot be issued without production of N.O.C. as per the Kerala Motor Vehicles Act and Rules. However, the learned counsel for the petitioner points out the provisions whereby the 1st respondent can issue permit when the financier does not turn up after getting notice. The financier is the 2nd respondent

here. Notice has already been served. The financier has not cared to enter appearance here. In the above circumstances, I am satisfied that there can be a direction to the 1st respondent to process the petitioner's application for renewal of permit without N.O.C. from the 2nd respondent financier. There would be an order to that effect to the 1st respondent. Petitioner's application shall be processed and orders passed without N.O.C. from the 2nd respondent, within a period of one month from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.